

PATENT

Attorney Docket No. 05725.1306-00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

in re Application of:

Grégoire PLOS et al.

Application No.: 10/814,333

Filed: April 1, 2004

For: PROCESS FOR DYEING, WITH A LIGHTENING EFFECT, HUMAN KERATIN FIBERS THAT HAVE BEEN PERMANENTLY RESHAPED, USING AT LEAST ONE COMPOSITION COMPRISING AT LEAST ONE FLUORESCENT DYE

Group Art Unit: 1751

Examiner: E. Elhilo

Confirmation No.: 5339

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

TERMINAL DISCLAIMER

Assignee, L'OREAL S.A., duly organized under the laws of Paris, France and having its principal place of business at 14, Rue Royale, Paris, France 75008, represents that it is the assignee of the entire right, title and interest in and to the above-identified application, Application No. 10/814,333, filed April 1, 2004 for PROCESS FOR DYEING, WITH A LIGHTENING EFFECT, HUMAN KERATIN FIBERS THAT HAVE BEEN PERMANENTLY RESHAPED, USING AT LEAST ONE COMPOSITION COMPRISING AT LEAST ONE FLUORESCENT DYE in the names of Gregory Plos and Henri Samain, as indicated by assignment duly recorded in the United States Patent and Trademark Office at Reel 015796, Frame 0768 on September 17, 2004.

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Assignee, L'OREAL S.A., further represents that it is the assignee of the entire right, title and interest in and to the following thirteen applications:

1) U.S. Application No. 10/814,236, filed April 1, 2004, for DYE COMPOSITION COMPRISING AT LEAST ONE FLUORESCENT DYE AND A NON-ASSOCIATIVE THICKENING POLYMER FOR HUMAN KERATIN MATERIALS, PROCESS THEREFOR, AND METHOD THEREOF in the names of Gregory Plos and Luc Gourlaouen, as indicated by assignment duly recorded in the United States Patent and Trademark Office at Reel 015790, Frame 0251 on September 16, 2004;

2) U.S. Patent Application No. 10/814,300, filed April 1, 2004 for COMPOSITION FOR DYEING HUMAN KERATIN MATERIALS, COMPRISING AT LEAST ONE FLUORESCENT DYE AND AT LEAST ONE POLYOL, PROCESS THEREFOR AND USE THEREOF in the names of Gregory Plos and Luc Gourlaouen, as indicated by assignment duly recorded in the United States Patent and Trademark Office at Reel 015801, Frame 0150 on September 17, 2004;

3) U.S. Patent Application No. 10/814,305, filed April 1, 2004 for COMPOSITION FOR DYEING HUMAN KERATIN MATERIALS, COMPRISING AT LEAST ONE FLUORESCENT DYE AND AT LEAST ONE ASSOCIATIVE POLYMER, PROCESS THEREFOR AND USE THEREOF in the names of Luc Gourlaouen and Henri Samain, as indicated by assignment duly recorded in the United States Patent and Trademark Office at Reel 015901, Frame 0954 on October 18, 2004;

4) U.S. Patent Application No. 10/814,334, filed April 1, 2004 for COMPOSITION FOR DYEING HUMAN KERATIN MATERIALS, COMPRISING AT LEAST ONE FLUORESCENT DYE AND AT LEAST ONE INSOLUBLE

POLYORGANOSILOXANE CONDITIONING POLYMER, PROCESS THEREFOR AND USE THEREOF in the names of Gregory Plos and Henri Samain, as indicated by assignment duly recorded in the United States Patent and Trademark Office at Reel 015801, Frame 0088 on September 17, 2004;

5) U.S. Patent Application No. 10/814,335, filed April 1, 2004 for COSMETIC COMPOSITION FOR DYEING HUMAN KERATIN MATERIALS, COMPRISING AT LEAST ONE FLUORESCENT DYE AND AT LEAST ONE CATIONIC POLYMER, AND A DYEING PROCESS THEREFOR in the names of Gregory Plos and Henri Samain, as indicated by assignment duly recorded in the United States Patent and Trademark Office at Reel 015685, Frame 0394 on August 17, 2004;

6) U.S. Patent Application No. 10/814,336, filed April 1, 2004 for PROCESS FOR DYEING HUMAN KERATIN FIBERS, HAVING A LIGHTENING EFFECT, COMPRISING AT LEAST ONE FLUORESCENT COMPOUND AND COMPOSITIONS OF THE SAME in the names of Andrew Greaves, Nicolas Daubresse and Xavier Radisson, as indicated by assignment duly recorded in the United States Patent and Trademark Office at Reel 015831, Frame 0474 on September 28, 2004

7) U.S. Patent Application No. 10/814,337, filed April 1, 2004 for COMPOSITION FOR DYEING HUMAN KERATIN MATERIAL, COMPRISING AT LEAST ONE FLUORESCENT DYE AND AT LEAST ONE INSOLUBLE CONDITIONING AGENT, PROCESS THEREFOR, USE THEREOF, AND DEVICES THEREOF in the names of Gregory Plos and Henri Samain, as indicated by assignment duly recorded in the United States Patent and Trademark Office at Reel 016085, Frame 0240 on December 17, 2004;

8) U.S. Patent Application No. 10/814,338, filed April 1, 2004 for METHOD OF DYEING HUMAN KERATIN MATERIALS WITH A LIGHTENING EFFECT WITH COMPOSITIONS COMPRISING AT LEAST ONE FLUORESCENT DYE AND AT LEAST ONE AMPHOTERIC OR NONIONIC SURFACTANT, COMPOSITION THEREOF, PROCESS THEREOF, AND DEVICE THEREFOR in the names of Chrystel Pourille-Grethen and Gregory Plos, as indicated by assignment duly recorded in the United States Patent and Trademark Office at Reel 015796, Frame 0958 on September 17, 2004;

9) U.S. Patent Application No. 10/814,428, filed April 1, 2004 for COSMETIC DYE COMPOSITION WITH A LIGHTENING EFFECT FOR HUMAN KERATIN MATERIALS, COMPRISING AT LEAST ONE FLUORESCENT DYE AND AT LEAST ONE AMINOSILICONE, AND PROCESS OF DYEING in the names of Luc Gourlaouen and Henri Samain, as indicated by assignment duly recorded in the United States Patent and Trademark Office at Reel 015900, Frame 0146 on October 18, 2004;

10) U.S. Patent Application No. 10/814,430, filed April 1, 2004 for COMPOSITION FOR DYEING HUMAN KERATIN MATERIALS, COMPRISING AT LEAST ONE FLUORESCENT DYE AND AT LEAST ONE COMPOUND COMPRISING AN ACID FUNCTIONAL GROUP AND PROCESSES THEREFOR in the names of Greogry Plos and Luc Gourlaouen, as indicated by assignment duly recorded in the United States Patent and Trademark Office at Reel 015685, Frame 0097 on August 17, 2004;

11) U.S. Patent Application No. 10/814,585, filed April 1, 2004 for COMPOSITION FOR DYEING HUMAN KERATIN MATERIALS, COMPRISING A

FLUORESCENT DYE AND A PARTICULAR SEQUESTERING AGENT, PROCESS THEREFOR AND USE THEREOF in the names of Gregory Plos and Luc Gourlaouen, as indicated by assignment duly recorded in the United States Patent and Trademark Office at Reel 016085, Frame 0209 on December 17, 2004;

12) U.S. Patent Application No. 10/490,869, filed October 5, 2004 for DYEING COMPOSITION WITH A BRIGHTENING EFFECT FOR HUMAN KERATINOUS FIBRES in the name of Florent Pastore, Luc Gourlaouen, and Alain Lagrange as indicated by assignment duly recorded in the United States Patent and Trademark Office at Reel 015920, Frame 0819 on October 5, 2004; and

13) U.S. Patent Application No. 10/742,995, filed December 23, 2003 for METHOD FOR DYEING OR COLORING HUMAN KERATIN MATERIALS WITH LIGHTENING EFFECT USING A COMPOSITION COMPRISING AT LEAST ONE FLUORESCENT COMPOUND AND AT LEAST ONE OPTICAL BRIGHTENER in the names of Luc Gourlaouen and Florent Pastore, as indicated by assignment duly recorded in the United States Patent and Trademark Office at Reel 015945, Frame 0802 on November 2, 2004.

Evidentiary documents have been reviewed and to the best of Assignee's knowledge and belief, title to both the instant application and each of the thirteen applications is in the Assignee submitting this Terminal Disclaimer.

To obviate a double patenting rejection, Assignee hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any

terminal disclaimer, of any patent granted for any patent application listed above;
Assignee hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted for any patent application listed above are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, Assignee does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of any patent granted for any patent application listed above, as presently shortened by any terminal disclaimer, in the event that any patents granted on any patent application listed above later expires for failure to pay a maintenance fee, are held unenforceable, are found invalid by a court of competent jurisdiction, are statutorily disclaimed in whole or in part, are terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, are reissued, or are in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

In accordance with the fee schedule set forth in 37 C.F.R. § 1.20(d), the required fee of \$130.00 is being filed with this disclaimer.

If a check for the required fee is not filed concurrently herewith or if there are any additional fees due in connection with the filing of this Terminal Disclaimer, please charge the fees to our Deposit Account No. 06-0916. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to Deposit Account No. 06-0916

The undersigned is an attorney of record.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: September 18, 2006

By: Mareesa A. Frederick
Mareesa A. Frederick
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